

REMARKS

The Office Action mailed April 30, 2008, has been carefully considered together with each of the references cited therein. The remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Claim Rejections Under §112

Claims 1 – 8, 10 – 16, 18 and 19 stand rejected under 35 U.S.C. § 112, paragraph 1, as failing to comply with the written description requirement. Applicants courteously traverse this rejection.

Specifically, the Office states, “The claim 1 subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the Application was filed, had possession of the claimed invention. The amended claim 1 recites, ‘B) subsequently adding the higher boiling solvent or solvent mixture, the one or more emulsifiers, or the mixture thereof to the mixture of copolymer and polymerization medium from Step A) without isolating the copolymer from the polymerization medium’, which was not described in the specification at all”.

Applicants respectfully can not agree. Firstly, previously presented claim 1 reads, “B) subsequently adding the solvent or solvent mixture...”, and not “B) subsequently adding the higher boiling solvent or solvent mixture...”, as “higher boiling” was deleted in the Amendment filed March 28, 2008.

Secondly, in paragraph [0005] of the instant Application, the Applicants state, “The object of the present invention was to develop a one-pot process for the preparation of polymer concentrates comprising copolymers based on acryloyldimethyltauric acid or salts thereof”, (emphasis added). An ordinary artisan would be very cognizant that a “one-pot process” conveys the limitation of not isolating the copolymer from the polymerization medium. The Office’s attention is further directed to EP 1 186 668 A1, paragraphs [0024] and [0025] which describes

a "one-pot process" and the level of skill of the ordinary artisan. At the end of [0024] it reads, "...By 'one-pot process' any process is meant wherein the complete process is carried out in one reactor vessel." Furthermore, [0025] reads, "In a preferred embodiment of the invention, a process is carried out as a one-pot process without isolation ... The advantages of one-pot processes will be evident to the skilled person". A copy of EP 1 186 668 A1 is provided with the concomitantly filed Information Disclosure Statement.

Applicants are of the respectful opinion that a "one-pot process" in paragraph [0005] adequately describes the limitations of previously presented Claim 1 for a skilled artisan and therefore respectfully traverse the U.S.C. § 112, paragraph 1, rejections and courteously request Claims 1 – 8, 10 – 16, 18 and 19 be allowed .

Claim Rejections Under §103

Claims 1-8, 10-16, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable as obvious over Loffler et al. (U.S. Pat. App. Pub. No. 2001/0029287, now U.S. Pat. No. 6,437,068) (the "Loffler reference") in view of CU Boulder Organic Chemistry Undergraduate Courses (<http://orgchem.colorado.edu/hndbksupport/solvremoval/solvremoval.html>) (the "Undergraduate Course reference"). Applicants respectfully traverse this rejection.

It is clear from previously presented claim 1, that the polymerization medium is not removed via isolation of the copolymer from the resulting reaction mixture before the solvent or solvent mixture, the one or more emulsifiers, or the mixture thereof was added. Such a method is not taught or suggested by the teachings of the Loffler, et al., reference and the undergraduate course reference, either alone or in combination, and is not obvious over the prior art of record. In stark contrast to the instantly claimed invention, Loffler, et al., in each and every example teach the filtration and drying of the polymer to a fine white powder.

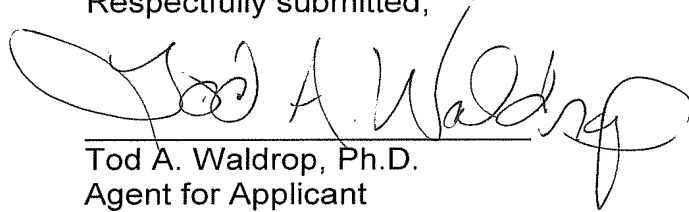
The Undergraduate Course reference cited by the Office merely describes several common methods to remove solvent from a solution and would not make the instantly claimed invention obvious to the ordinary artisan.

For at least these reasons, the Applicants respectfully traverse the rejections under 35 U.S.C. § 103(a) and courteously request that Claims 1-8, 10-16, 18 and 19.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, please contact the agent for Applicant at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tod A. Waldrop', is written over a horizontal line.

Tod A. Waldrop, Ph.D.
Agent for Applicant
Registration No. 56,260

(CUSTOMER NUMBER 25,255)
CLARIANT CORPORATION
INDUSTRIAL PROPERTY DEPARTMENT
4000 Monroe Road, Charlotte, NC 28205
Phone (704) 331-7732
Fax (704) 331-7707